IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPEALLATE JURISDICTION

CIVIL APPLICATION NO. 207 OF 2005
IN
SECOND APPEAL NO. 481 OF 2002

Smt.Sitabai Ranu Jadhav & Ors. ...Applicants/
Appellants

V/s.

Genu Dhondiba Jadhav (deceased)
through his legal heirs & Ors. ...Respondents

Mr.Prathmesh Bhargude holding for Mr.A.V. Anturkar for the Applicants.

CORAM : D.B. BHOSALE, J.

DATED : JANUARY 31, 2007

P.C. :-

1. Heard Mr.Bhargude, learned Counsel for the applicants. None for the respondents though served.

2. By this civil application, the applicants have prayed for allowing them to bring the heirs and legal representatives of the deceased respondent no.2 on record. There is delay in filing the application. The delay has been explained by the applicants.

3. None appears for the respondents though served. Even reply affidavit has not been filed by the respondents opposing the prayer for condonation of delay.

Keeping that in view and considering the overall facts and circumstances of the case and the reasons stated in the application, the application is allowed in terms of prayer clauses (A) and (B). The applicants to carry out amendment within two weeks from today, failing which the appeal shall stand dismissed for non-prosecution against the heirs of deceased respondent no.2.

4. Office to issue notice to the heirs of deceased respondent no.2 after the amendment is carried out within two weeks, making it returnable in four weeks therefrom.

5. In addition to the court notice, the applicants are directed to give Advocate’s notice to the unserved respondents either personally or through R.P.A.D./speed post/e-mail/fax and file an affidavit of service within four weeks from today, failing which the civil application shall stand disposed of.

. Civil Application stands disposed of.

(D.B. BHOSALE, J.)